

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARL BENNETT,

Plaintiff,

Case No. 15-cv-14465

Hon. Matthew F. Leitman

v.

MICHIGAN DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

**ORDER (1) TERMINATING PLAINTIFF'S MOTION FOR A DEFAULT
JUDGMENT (ECF No. 185) WITHOUT PREJUDICE AND (2) SETTING
BRIEFING SCHEDULE ON DEFENDANT KAY GARLAND'S MOTION
TO SET ASIDE DEFAULT (ECF No. 206)**

On October 9, 2020, the Court the Clerk of the Court entered a default in this action against Defendant Kay Garland due to Garland's failure to appear. (*See* Order, ECF No. 176; Clerk's Entry of Default, ECF No. 177.) Now pending before the Court is Bennett's motion for a default judgment on his claims against Garland. (*See* Mot. for Default Judgment, ECF No. 185.) On March 14, 2022, Garland appeared, filed a motion to set aside the default, and filed a response to the motion for a default judgment. (*See* Mot. to Set Aside Default, ECF No. 206; Resp. to Mot. for Default Judgment, ECF No. 207.)

The Court held a hearing on the motion for a default judgment on March 22, 2022. For the reasons explained on the record during the motion hearing, the Court

concludes that the most appropriate and efficient course of action is to first decide Garland's motion to set aside the default and then, if necessary, allow Bennett to seek a default judgment.

Accordingly, for the reasons explained on the record, **IT IS HEREBY ORDERED** as follows:

- Bennett's motion for a default judgment (ECF No. 185) is **TERMINATED WITHOUT PREJUDICE**. Bennett may re-file that motion, if necessary, in the event that the Court denies Garland's motion to set aside the default;
- Bennett shall file a response to Garland's motion to set aside the default (ECF No. 206) by no later than **April 5, 2022**;
- Garland shall file a reply brief in further support of her motion to set aside the default by no later than **April 15, 2022**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 22, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 22, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager
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